

S.B. Civil Writ Petition NO.2203/2005

Baldev Singh

vs

Grunam Singh & Anr.

DATE OF ORDER : - 26.4.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.NL Joshi, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 1.4.2005 by which the trial court allowed the application of the non-petitioner-defendant under Order 6 Rule 17 CPC by imposing cost of Rs.100/-.

According to learned counsel for the petitioner-plaintiff, the trial court passed the impugned order without assigning any reason and, therefore, the order is non-speaking.

I considered the submissions of learned counsel for the petitioner and perused the application seeking amendment in the written statement. It appears from the application Annex.4 that the defendants sought to raise few pleas, which are substantially based on legal point and, therefore, if the trial court has allowed the application by a non-speaking order, this Court is not inclined to interfere in the impugned

order Annex.6 dated 1.4.2005 simply because of the reason that no prejudice has been caused to the petitioner by allowing the amendment and, therefore, this Court is not inclined to set aside the impugned order with a direction to the trial court to pass reasoned order when this Court is satisfied that the amendment was rightly allowed.

Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-